

SECOND CONSIDERATION

AGENDA ITEM X-J (1-4)

Consideration of adoption of amendments to Board rules (Second Consideration)

RECOMMENDATION: Adopt rules amendments as listed below:

1. Adopt amendments to Sections 8.1 and 8.75 updating references to Board rules that have changed with the repeal and adoption of other Board rules amendments; adopt an amendment to Section 8.1 to include a general definition of community colleges as including junior colleges; adopt amendments to Section 8.74 and 8.123 updating the reference to the Board committee; and adopt amendments to Sections 8.96 and 8.98 clarifying procedures for counties with a population of less than 150,000 seeking approval of a branch campus maintenance tax
2. Adopt the repeal of Sections 9.1 through 9.186 and adopt new Sections 9.1 through 9.186 concerning program development in public two-year colleges
3. Adopt amendments to Section 10.3 updating definitions and adopt amendments throughout Chapter 10 replacing references to community/junior and technical colleges with references to two-year colleges
4. Adopt the repeal of Sections 12.1 through 12.46 and adopt new Sections 12.1 through 12.46 concerning career schools and colleges

Summary:

At the January 2004 Board meeting, Board rules Chapters 8, 9, 10, and 12 were reviewed and re-adopted in accordance with Government Code Section 2001.039 requiring all agency rules be reviewed every four years. As a result of the review, the staff recommended several rules amendments and the Board simultaneously proposed amendments to Chapters 8, 9, 10, and 12.

The revisions to Board rules in agenda items X-K (1) through (4) are to:

- correct grammar, syntax, and the order of some rules;
- revise and add appropriate definitions;
- simplify references to community/junior and technical colleges as two-year colleges;
- update references to other Board rules;
- change references to the Board Committee on Community and Technical Colleges as the Board Committee on Institutional Effectiveness and Excellence;
- clarify specific procedures for branch campus maintenance tax approval;

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- add a provision for inclusion of field of study courses in the *Lower-Division Academic Course Guide Manual*;
- revise procedures for obtaining unique need approval;
- include notification requirements for community and state colleges for their students nearing the 66 semester credit hour university transfer limit;
- add an exception for continuing education program contact hour limits;
- clarify state appropriation eligibility for continuing education courses; and
- change references to the public education and higher education assessment instruments as the Texas Assessment of Knowledge and Skills and the Texas Success Initiative, respectively.

The text of these currently existing sections can be viewed on the Coordinating Board's website at <http://www.theccb.state.tx.us/CBRules/tac.cfm>.

The staff recommends a non-substantive change to subsection (a)(2)(B) that would substitute "degree program" for "major" requirement to reflect the general usage of this language throughout Board rules.

Date Presented to the Board for Publication in the Texas Register:

January 29, 2004

Date Published in the Texas Register:

February 20, 2004

Summary of comments received:

Two comments were received from the Lower Division Academic Course Guide Manual Advisory Committee that would affect section 9.74. The Committee recommended the following in the minutes of their meeting of February 27, 2004:

- (1) Change "regional" to "Texas and/or regional" {in 9.74 (2)(A)}.
- (2) Change the expiration date for continuing Unique Need courses approved prior to September 1, 2004 from "five" to "three" years after approval.

Staff response: Because in practice it is difficult to define a region of the state in a meaningful way for transfer, the staff accepts the first change. Regarding the second change, this would be a substantive change requiring that the rules be re-proposed; moreover, it would be an after-the-fact reversal of the rules that have been in place, which permit a five-year continuing Unique Need approval. Because very few continuing Unique Need courses have been approved in the last two years, there is little risk that a transitional period for the new three-year restrictions will be harmful to students. The staff recommendation is to let the proposed wording stand.

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Legal Review:

Approved by the Office of General Counsel _____ Date: _____